

REMARKS

In the pending Office Communication the Examiner has found the Applicant's arguments filed on January 30, 2009 to be persuasive. However, the Examiner has asserted new grounds for rejection under 35 U.S.C. 103(a) in view of Burgel (Pub. No. 20020157738), Murphy (US Pub. No. 20040229072) and Sileo (US Patent No. 5,536,022). In view of the above amendments to the independent claims 19, 23 and 38, the Applicant respectfully requests that the Examiner withdraw the rejection of all the claims.

The Examiner rejects claims 19-38 under 35 U.S.C. 103(a) as being unpatentable over each of Burgel in view of Sileo or Murphy. The Examiner also rejects claims 19-31 and 36-38 under 35 U.S.C. 103(a) as being unpatentable over Yoshinari in view of Sileo or Murphy. In each of these rejections the Examiner argued that both primary references Brugel and Yoshinari disclose all the elements of the respective independent claims with the exception of the superalloy being precipitation strengthened by a "strength promoter" selected from the claimed group or claimed concentrations. The Examiner, for each rejection, cites the secondary references Sileo and Murphy as disclosing superalloys that are precipitation strengthened by lead (Pb) and bismuth (Bi) with respect to Sileo and by rare earth metals Nd or Pr, with respect to Murphy. Accordingly, the Applicant has amended each of the independent claims 19, 23 and 38, to remove from the group of strength promoters lead (Pb) and those listed rare earth metals including bismuth (Bi), neodymium (Nd) and praseodymium (Pr).

The Examiner's particular attention is directed to paragraph 0015 of the subject application, which provides that tin (Sn) has proven to have good results in this context. In reference to paragraphs 0008 through 0010 there is cited references disclosing tin used, or not used, with alloys or superalloys. In paragraph 0008, U.S. Patent No. 3,907,555 is cited as disclosing an alloy with tin at levels of 1.0 wt%, which far exceeds the claimed concentrations. In paragraph 0009, U.S. Patent No. 4,708,848 is cited as disclosing tin as a constituent of a Ni-base alloy in amounts lower than the claimed concentrations indicating that the tin fraction is an undesirable impurity. In addition, U.S. Patent 6,308,767, cited in paragraph 00010, discloses a method for producing directional structures from a superalloy, in which a melt is cooled in another liquid metal. However, it is necessary to ensure that tin does not contaminate the superalloy, indicating tin is an undesirable constituent of the alloy.

Serial No. 10/580,696
Atty. Doc. No. 2003P10441WOUS

In view of the foregoing, the applicant respectfully requests the Examiner to withdraw the rejections and submits that the pending claims are in condition of allowance.

CONCLUSION

Reconsideration of the pending rejections and allowance of claims 19-38 are respectfully requested. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: March 27, 2009

By: Janet D. Hood
Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830